REMARKS

Claims 1-6, 10-17 and 20-22 are pending in this application.

As an initial matter, Applicants respectfully submit that the Action dated October 2, 2008 was prematurely and improperly made final. As far as Applicants can tell, the Examiner introduced new grounds of rejection that were not identified as being necessitated by Applicants' amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR § 1.97(c) with the fee set forth in 37 CFR § 1.17(p). *See*, MPEP § 706.07(a). Accordingly, Applicants respectfully request reconsideration and withdrawal of the finality of the rejections in the Action dated October 2, 2008.

Rejections Under 35 U.S.C. § 112

Claims 1, 4-6, 10, 11 and 13-15 were rejected under various sections of 35 U.S.C. § 112. While not agreeing with the substance of the various 35 U.S.C. § 112 rejections, but in an effort to expedite allowance of this application, Applicants have amended claims 1, 11 and 14. No new matter has been added.

Rejections Under 35 U.S.C. § 103

Claims 1-6, 10-17 and 20-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Crater in view of Fleischman U.S. Patent No. 6,507,847. Applicants respectfully traverse this rejection.

Turning to Applicants' disclosure, Applicants' FIG. 2 shows an embodiment for the web-based monitoring and control of a plurality of spatially distributed technical installations (e.g., remote control or monitoring devices) 3.1, 3.2, . . . 3.n, where a

superordinate installation 1, called a client or web client, stores components that

provide a uniform integral display S of the data/information in the distributed

installations, combines the data/information into a uniform structure and displays

them integrally in a user interface. The data/information interchange between the

client 1 and the distributed installations 3.1, 3.2, . . . 3.n can be executed via

communication links K and the web servers 2.1, 2.2, . . . 2.n that are present in the

distributed installations 3.1, 3.2, . . . 3.n. The client 1 can be a typical web client with

a web browser without any further special software.

FIG. 3 shows an exemplary overview of the architecture of the system. Using

the communication links K, for example the Internet or an internal network, the web

client 1 communicates with the web servers 2.1, 2.2, . . . 2.n of the distributed

technical installations 3.1, 3.2, . . . 3.n. One or more applications 10 can be loaded

into the web client 1 from a "home server" in a first installation 3.1, preferably upon

operation for the first time and usually just once, for example as application

programs for installation control with the associated user interfaces. The

applications 10 use the communication links K to exchange data/information with the

installations 3.1, 3.2, . . . 3.n and to request an integrated display S of the data from

the installations 3.1, 3.2, . . . 3.n.

The applications 10 can use an integration layer 11, and connected

representative services 12, 13, 14 on the client, which are known as proxies, and

also the communication link K to communicate with the distributed installations 3.1,

3.2, . . . 3.n, for example in order to request data from the installations 3.1, 3.2, . . .

3.n or in order to transmit control signals to the installations 3.1, 3.2, . . . 3.n. The

client proxies 12, 13, 14, which are typically provided for the client 1 to communicate

with the installations 3.1, 3.2, . . . 3.n, are loaded from the appropriate web servers 2.1, 2.2 . . . 2.n of the distributed technical installations 3.1, 3.2, . . . 3.n and provide the communication link K between the client 1 and the web servers 2.1, 2.2 . . . 2.n of the installations 3.1, 3.2, . . . 3.n.

The client components, such as the proxies 12, 13, 14, the integration layer 11 and the client applications 10, are typically in the form of software components which are loaded, automatically installed and executed using standard web mechanisms, such as Microsoft Active-X Controls, Microsoft NET components or Java Applets.

The communication between the client 1 and the installations 3.1, 3.2, . . . 3.n, particularly the data requests or data calls, can be executed using a web service or using SOAP (Simple Object Access Protocol) calls, for example.

The data/information in the installations 3.1, 3.2, . . . 3.n, which are described by objects, also called data objects, can be project data, measured values or states of the distributed installations 3.1, 3.2, . . . 3.n, for example, and are available in separate databases 21, 31, 41 in the installations 3.1, 3.2, . . . 3.n or are generated in real time, for example on the basis of the values measured by sensors. The data objects from the databases 21, 31, 41 are transmitted to the client 1 via the web server 2.1, 2.2, . . . 2.n of the respective installation 3.1, 3.2, . . . 3.n and the communication link K upon a request by the client 1.

The data objects stored in the databases 21, 31, 41 of the respective installations 3.1, 3.2, . . . 3.n can have references with pointers, known as system links, to data, structures and/or substructures for the other distributed installations 3.1, 3.2, . . . 3.n that are also called federated installations.

In addition, Applicants' integration layer 11 can preprocess the data requests from the client applications 10 in order to request the data from the respective proxies 12, 13, 14 and hence from the web servers 2.1, 2.2 . . . 2.n of the associated installations 3.2, . . . 3.n. To preprocess has an ordinary meaning of to analyze computer data, such as control statements embedded in a program, and take appropriate action before processing the data. Applicants respectfully submit that Applicants' submitted specification, e.g., at page 9, lines 21-26 and page 14, line 35 - page 15 line 6, provides adequate support when viewed in conjunction with the known and ordinary meaning of "preprocess." Accordingly, the written description rejection should be withdrawn.

In addition to Applicants' previously submitted remarks, Applicants would like to point out further features that distinguish the claims over the cited references. As mentioned above, regarding claim 1, the claimed integration layer uses communication links to communicate with the web servers in the respective distributed installations using representative services stored in the web client, which are known as client proxies. The integration layer is provided the data/information which the distributed technical installations interchange among one another in a uniform structure, shows them integrally in a user interface and logically combines them such that their logic relationships are shown correctly. The software contained in the integration layer can evaluate the data/information so as to determine whether they contain pointers to further, "federated," installations. Each pointer to a federated installation can be evaluated by setting up a connection to the associated web server in the federated installation and loading the referenced data into the client. See, for example, Applicants' specification at page 3, line 5 - page 4, line 8.

Crater, in contrast, at col. 21, lines 35-38, refers to pointers "by embedding pointers within each of the <u>controllers</u>" that allows delivered data generated by <u>web pages of different devices</u> (see also Crater at col. 9, lines 23-27). These pointers cannot be equated with the references in Applicants' application. In Applicants' application, the references contain links to <u>data, structures and/or substructures in further distributed installations</u>. A distributed installation can be based on a superordinate installation, also called a client, web-client, higher-level system or primary control, using a communication link to interchange and evaluate data/information about the respective web server in the distributed installation. See, e.g., Applicants' specification at page 2, line 33 - page 3, line 14.

Moreover, Fleischman does not cure the fundamental deficiencies of Crater. Fleischman describes a worldwide collaboration network of servers that support newsgroups. See, e.g., Fleishman at col. 1, lines 13-14, col. 3, lines 23-24 and claim 1). In Fleishman, this network, called USENET, is a worldwide distributed Internet discussion platform, but not a system for web-based <u>monitoring and control</u> of distributed systems of a technical installation as in Applicants' claims. The USENET is only used for communication in one direction. USENET is not used as a data exchange between a web client with several web servers communicating in both directions.

Furthermore, the Examiner has not articulated, for instance, that each element of the applied references performs the same function when combined as it would separately; that one of ordinary skill in the art could have combined the applied references and that the result of the purported combination would have been recognized as predictable by one of ordinary skill in the art. *KSR*, 550 U.S. at __, 82

USPQ2d at 1395; MPEP § 2142. Therefore, the Examiner has failed to establish a

prima facie case for rejecting Applicants' claims under 35 U.S.C. § 103(a).

Accordingly, it is respectfully submitted that Crater and Fleishman do not

teach or suggest the subject matter of claims 1 and 11 to a person of ordinary skill in

the art. The remaining claims, which depend from claims 1 and 11 and recite

additional distinguishing features, are also submitted to be patentably distinct from

the disclosures of the references.

Conclusion

For the foregoing reasons, Applicants respectfully submit that this application

is in immediate condition for allowance and all pending claims are patentably distinct

from the cited references. Reconsideration and allowance of all pending claims are

respectfully requested.

In the event that there are any questions about this application, the Examiner is requested to telephone Applicants' undersigned representative so that prosecution of the application may be expedited.

If additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

Respectfully submitted,

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